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June 27, 2014

By ECF

Honorable Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Government Employees Insurance Co., et al. v. Mikelashvili, et al.
Docket No.: CV 14-1474 (ILG)(SMG)

Dear Magistrate Judge Gold:

As the Court is aware, we represent Plaintiffs (“GEICO”) in the above matter. On behalf of GEICO, I write to respectfully request that the Court issue a scheduling Order: (i) establishing a date for the initial conference required by Fed. R. Civ. P. 26(f) within thirty (30) days; and (ii) in advance of the conference, directing the parties to meet and confer to establish a discovery schedule.¹


¹ In this context, I note that - while Defendants have made a motion to dismiss GEICO’s Complaint – the pendency of the motion, standing alone, provides no basis to delay discovery. Indeed, both Judge Glasser and many other Judges in this District have denied substantially similar motions to dismiss in analogous cases. See, e.g., Gov’t Emples. Ins. Co. v. Hollis Med. Care, P.C., 2011 U.S. Dist. LEXIS 130721 at * 11 (E.D.N.Y. 2011); McGee v. State Farm Mut. Auto. Ins. Co., 684 F. Supp. 2d 258 (E.D.N.Y. 2009)(Glasser, J.); State Farm Mut. Auto. Ins. Co. v. CPT Med. Servs., P.C., 2008 U.S. Dist. LEXIS 71156 at * 41 - * 43 (E.D.N.Y. 2008)(Glasser, J.); see also Liberty Mut. Ins. Co. v. Excel Imaging, P.C., 879 F. Supp. 2d 243, 263-264 (E.D.N.Y. 2012); Gov’t Emples. Ins. Co. v. Hollis Med. Care, P.C., 2011 U.S. Dist. LEXIS 130721 at * 11 (E.D.N.Y. 2011); Allstate Ins. Co. v. Etienne, 2010 U.S. Dist. LEXIS 113995 at * 25 - * 30 (E.D.N.Y. 2010); State Farm Mut. Auto. Ins. Co. v. Cohan, 2009 U.S. Dist. LEXIS 125653 at * 30 (E.D.N.Y. 2009); Allstate Ins. Co. v. Valley Physical Med. & Rehab., P.C., 2009 U.S. Dist. LEXIS 91291 at * 26 - * 27 (E.D.N.Y. 2009); Allstate Ins. Co. v. Ahmed Halima, 2009 U.S. Dist. LEXIS 22443 at * 17 - * 20 (E.D.N.Y. 2009); State Farm Mut. Auto. Ins. Co. v. Kalika, 2006 U.S. Dist. LEXIS 97454 at * 46 (E.D.N.Y. 2006); State Farm Mut. Auto. Ins. Co. v. CPT Med. Servs., P.C., 375 F. Supp. 2d 141, 153-154 (E.D.N.Y. 2005); AIU Ins. Co. v. Olmecs Med. Supply, Inc., 2005 U.S. Dist. LEXIS 29666 at * 32 - * 42 (E.D.N.Y. 2005).

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We appreciate the Court's attention to this matter.

Respectfully submitted,

RIVKIN RADLER LLP

A handwritten signature in black ink, appearing to read "Ryan Goldberg", with a stylized flourish at the end.

Ryan Goldberg (RG 7570)